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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/051,664

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EXAMINER

JABR, FADEY S

ART UNIT

PAPER NUMBER

3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/051,664	BRANDT ET AL.	
	Examiner	Art Unit	
	Fadey S. Jabr	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 1-29 are pending and again presented for examination.

Response to Arguments

1. Applicant's amendment filed 31 October 2006, with respect to the Objection to the drawings, has been fully considered and therefore is withdrawn.
2. Examiner would like to assert that an agreement that Applicant had shown sufficient support for the claim and the claimed embodiment was not reached. Further, an agreement that Applicant's interpretation of the system of Brown being solely a scheduler was not reached.
3. Examiner notes that Applicant's arguments regarding the specification are contradicting. In the introduction the Applicant notes that claims represented a different embodiment from the invention illustrated in Figures 4 and 5. However, under the 35 U.S.C. 112, first paragraph section of the arguments the Applicant specifies support for the claims is found on page 8, lines 26-28 and additionally Figures 4 and 5 describe an alternate embodiment of the invention to that which is **recited in the claims**.
4. Applicant's arguments filed 31 October 2006, with respect to 35 U.S.C. 112, first paragraph, have been fully considered and are therefore withdrawn.
5. Applicant's arguments (concerning the preamble) filed 31 October 2006, with respect to 35 U.S.C. 112, second paragraph, have been fully considered but they are not persuasive. It is still unclear which statutory (method or system) class the claims are directed.

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6. Applicant's arguments (concerning the lack of antecedent basis and the terms being vague and indefinite) filed 31 October 2006, with respect to 35 U.S.C. 112, second paragraph, have been fully considered and are therefore withdrawn.

7. Applicant argues that Brown does not disclose "initiating execution of performance of said particular sequence of tasks...without scheduling...". Examiner notes that in the Office Action the Examiner asserted that Brown failed to *explicitly* disclose the above limitation. Brown discloses task priorities where if a task with a higher priority conflicts with a task with a lower priority the higher priority task is implemented without scheduling (C. 8, lines 47-65). Further, the Brown system similar to the Applicant's invention is concerned with the comprehensive health of a user (C. 1, lines 15-20). Moreover, the Applicant's invention specifies a sequence of tasks that need to be performed by an individual, similar to the Brown system. The Brown system indicates to a user which tasks and in which order to perform the tasks (C. 15, line 62 – C. 16, line 8).

8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Brown and Stoodley are both concerned with managing patient data.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims **1, 11, 20, 26 and 28-29** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **Claims 1, 11, 20 and 28-29**, the Applicant recites "In a system...", and "a method performed..." which is vague and indefinite. It is unclear to the Office which statutory class the Applicant is attempting to claim. One would be led to believe from the preamble that a system is being claimed, while the dependent claims are method claims. Appropriate correction is required in the indicated claims and any subsequent claims.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims **1-2, 5, 9-15, 18, 25-26 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., U.S. Patent No. 6,458,080 B1.

As per **Claims 1, 9-11, 26 and 28**, Brown et al. discloses a method comprising:

- associating in a repository, at least one event potentially affecting healthcare delivered to a patient with a sequence of tasks to be performed to support healthcare delivery to said patient (C. 6, lines 13-29, 45-60; C. 7, line 36-C. 8, line 16);
- receiving a message identifying occurrence of said event and at least one parameter associated with said event (C. 6, lines 13-17; C. 8, lines 47-65);
- determining by using said repository, a particular sequence of tasks to be performed, in response to receiving said message identifying occurrence of said event (C. 8, lines 47-65); and
- determining by using said repository, whether said identified event is associate with a particular process of a plurality of predetermined processes (C. 7, lines 36-65; C. 8, lines 47-65);
- providing said parameter to said particular process in response to said determination said identified event is associated with said particular process (C. 7, lines 36-65; C. 8, lines 47-65);
- a communication interface for receiving a message identifying occurrence of said event (C. 6, lines 3-5);
- an event analyzer for using said at least one repository and for applying predetermined rules to interpret said identified event to determine a particular sequence of tasks to be performed in response to receiving said message identifying occurrence of said identified event (C. 5, lines 15-29); and

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- in response to examining predetermined information and said occurrence of said identified event, substituting at least one of said particular tasks for a task of another task sequence being performed (C. 7, lines 62-65).

Brown et al. fails to explicitly disclose initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual. However, Brown et al. discloses scheduling a task to a task list according to task priority, available time, financial and health allowances for a user to perform. Though, if a scheduling time is not determined, prompting the user to make a manual scheduling decision (C. 7, lines 36-47; C. 9, lines 27-38). In addition, Brown et al. discloses a meeting request where there are conflicting tasks at the required meeting time. Seeing as the meeting has a higher priority, the meeting supersedes the conflicting tasks, and one of the conflicting tasks (picking up dinner) is done without scheduling in order to clear time for the meeting according to certain criteria (C. 8, lines 47-65; see also Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include executing a task without scheduling the task, because it allows the system to execute tasks with higher priority and reschedule other less important tasks.

As per **Claim 2**, Brown et al. further discloses including in response to examining predetermined information and said occurrence of said identified event, substituting at least one of said particular tasks for a task of an existing task sequence being performed (C. 7, lines 62-65);

As per **Claim 5 and 14**, Brown et al. fails to explicitly disclose including the activities of filtering a plurality of received messages to identify said message identifying occurrence of an event potentially affecting healthcare delivered to a patient and excluding other messages immaterial to said healthcare delivered to said patient. However, Brown et al. discloses filtering through a menu received from a server, and also filtering through electronic preferences and health profile for relevant preferences of a patient (C. 15, lines 18-23; C. 22, lines 22-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include using a filter to filter for relevant information associated with a patient, because it allows the physician to more accurately determine what information is relevant to treating a patient.

As per **Claim 12**, Brown et al. discloses wherein said associated parameter is for use by multiple different process task sequences and is stored at a location available for access by said multiple different process task sequences (C. 2, lines 20-35; C. 4, lines 46-63).

As per **Claim 13**, Brown et al. further discloses including the activity of verifying said associated parameter is compatible with predetermined value criteria as a pre-condition to providing said parameter to said predetermined process (C. 2, lines 20-35).

As per **Claim 15**, Brown et al. further discloses including the activities of replacing initiating performance of another process with said initiating performance of said identified process (C. 8, lines 47-65).

As per **Claim 18**, Brown et al. further discloses including the activity of receiving information identifying active process instances and storing records in a database indicating said identified active process instances (C. 6, lines 13-29; C. 8, lines 43-65).

As per **Claim 25**, Brown et al. fails to explicitly disclose including the activity of searching a database containing records indicating active processes and process instances to identify active process instances of said second process to be modified in response to receiving said at least one message. However, Brown et al. discloses comparing a scheduled task to an electronic schedule to determine availability (C. 8, lines 47-65). Also, Brown et al. discloses searching a database for information (C. 23, lines 43-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include searching a database for availability times in response to a received task request, because it allows the system to determine available times to execute the task.

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13. Claims **3-4, 6-8, 16-17, 19-24, 27 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., U.S. Patent No. 6,458,080 B1. in view of Stoodley et al, Pub. No. US2004/0078236 A1.

As per **Claim 3**, Brown et al. fails to disclose wherein said message includes an event identifier identifying said event and is generated by a second process comprising a second set of tasks and including the activity of also receiving an identifier identifying a particular instance of said first process. However, Stoodley et al. teaches an event identifier to link categories of data within a data set to a patient management cycle (0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include an event identifier, because it allows the system to link specific patient data to a patient management system, which allows the system to give patient specific care.

As per **Claim 4**, Brown et al. further discloses wherein said particular instance of said first process comprises a particular use of said process for a specific patient (C. 8, lines 47-65).

As per **Claim 6**, Brown et al. fails to disclose including the activity of associating in a repository, said event with a process instance identifier identifying an instance of a process comprising said sequence of tasks. However, Brown et al. discloses identifying categories of events (Tables 1-3). Further, Stoodley et al. teaches an event identifier to link categories of data within a data set to a patient management cycle (0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of

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Brown et al. and include an event identifier, because it allows the system to link specific patient data to a patient management system, which allows the system to give patient specific care.

As per **Claim 7, 16, 19 and 27**, Brown et al. discloses replacing a task by another task with higher priority (C. 8, lines 47-65). Brown et al. fails to disclose an event identifier identifying said event and a process identifier identifying a target process. However, Stoodley et al. teaches an event identifier to link categories of data within a data set to a patient management cycle (0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include an event identifier, because it allows the system to link specific patient data to a patient management system, which allows the system to give patient specific care.

As per **Claim 8 and 17**, Brown et al. fails to explicitly disclose including the activity of searching a database containing records indicating active processes and process instances to identify active process instances of said target process to be replaced. However, Brown et al. discloses comparing a scheduled task to an electronic schedule to determine availability (C. 8, lines 47-65). Also, Brown et al. discloses searching a database for information (C. 23, lines 43-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include searching a database for availability times in response to a received task request, because it allows the system to determine available times to execute the task.

As per **Claims 20 and 29**, Brown et al. discloses a method comprising:

- associating in a repository, at least one event potentially affecting healthcare delivered to a patient comprising a sequence of tasks to be performed to support healthcare delivery to a patient (C. 6, lines 13-29, 45-60; C. 7, line 36- C.8, line 16);
- receiving at least one message identifying occurrence of said event during said first process and identifying a parameter associated with said event (C. 8, lines 47-65);
- acquiring said parameter associated with said event said event and providing said parameter to an instance of a second process identified using said repository (C. 7, lines 36-65);
- determining by using said repository, a particular sequence of tasks to be performed, in response to receiving said message identifying occurrence of said event (C. 8, lines 47-65).

Brown et al. fails to explicitly disclose initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied.

However, Brown et al. discloses scheduling a task to a task list according to task priority, available time, financial and health allowances for a user to perform. Though, if a scheduling time is not determined, prompting the user to make a manual scheduling decision (C. 7, lines 36-47; C. 9, lines 27-38). In addition, Brown et al. discloses a meeting request where there are conflicting tasks at the required meeting time. Seeing as the meeting has a higher priority, the meeting supersedes the conflicting tasks, and one of the conflicting tasks (picking up dinner) is

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done without scheduling in order to clear time for the meeting according to certain criteria (C. 8, lines 47-65; see also Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include executing a task without scheduling the task, because it allows the system to execute tasks with higher priority and reschedule other less important tasks.

Brown et al. fails to disclose a process instance identifier identifying an instance of a process, However, Stoodley et al. teaches an event identifier to link categories of data within a data set to a patient management cycle (0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include an event identifier, because it allows the system to link specific patient data to a patient management system, which allows the system to give patient specific care.

As per **Claim 21**, Brown et al. discloses initiating processing of said second process from said particular individual task in response to receiving said at least one message identifying occurrence of said event and determination said parameter is within predetermined acceptability criteria (C. 8, lines 47-65; also see Figure 3). Brown et al. fails to disclose including the activity of receiving an identifier identifying a particular individual task in said second process. Brown et al. fails to disclose a process instance identifier identifying an instance of a process, However, Stoodley et al. teaches an event identifier to link categories of data within a data set to a patient management cycle (0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include an event

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identifier, because it allows the system to link specific patient data to a patient management system, which allows the system to give patient specific care.

As per **Claim 22**, Brown et al. discloses wherein said parameter associated with said event is stored at a location available for access by said first and second processes (C. 2, lines 20-35; C. 4, lines 46-63).

As per **Claim 23**, Brown et al. discloses sharing data between said first and second process (C. 8, lines 47-65). Brown et al. fails to disclose sharing data comprising sharing at least one an event identifier. However, Stoodley et al. teaches an event identifier to link categories of data within a data set to a patient management cycle (0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include an event identifier, because it allows the system to link specific patient data to a patient management system, which allows the system to give patient specific care.

As per **Claim 24**, Brown et al. discloses modifying a task in response to an event (C. 8, lines 47-65). Brown et al. fails to disclose at least one message includes a process identifier. However, Stoodley et al. teaches an event identifier to link categories of data within a data set to a patient management cycle (0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include an event

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identifier, because it allows the system to link specific patient data to a patient management system, which allows the system to give patient specific care.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr
Examiner
Art Unit 3628

FSJ

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Please address mail to be delivered by the United States Postal Service (USPS) as follows:

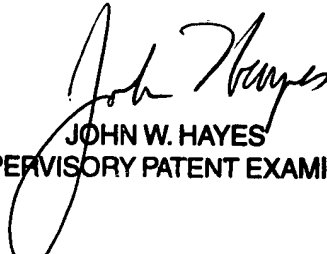
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(571) 273-1516 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER